

EXHIBIT F

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA

BABY DOE, et al.,

Plaintiffs,

v.

Civil Action No.

3:22cv00049-NKM-JCH

JOSHUA MAST, et al.,

Defendants.

Video-recorded Deposition of

JONATHAN MAST

Monday, July 17, 2023

9:33 a.m.

Charlottesville, Virginia

Reported by: Mark E. Brown, RPR

1 Q Do you have any automatic delete settings
2 activated on your Signal account?

3 A Currently, no.

4 Q Have you previously?

5 A I have.

6 Q Give me the details on that, please.

7 A Well, Signal is an app that allows you to
8 have automatic deleting stuff and so I've had that as
9 a routine on most of -- most of my messages that I
10 use on Signal, I've had that as a normal thing.

11 Q Is that feature activated now?

12 A No, sir. Once I got this I stopped them.

13 Q You anticipated my question. So before you
14 got the cease and desist letter, am I understanding
15 you to say that your Signal account had activated the
16 auto delete function?

17 A Many of them, yes.

18 Q Did you do it on an email-by-email basis or
19 did you just activate the setting and then it
20 operates automatically?

21 A In Signal?

22 Q Yes.

23 A I operated the setting and it operated
24 automatically.

25 Q So you just toggle it on or toggle it off

1 and once you turn it on it's on for all incoming and
2 outgoing messages?

3 A For a particular thread. I think you can
4 select like certain threads. If I had a message with
5 Elliott, for instance, I can syphon that one to
6 retain stuff and other ones not to.

7 Q So then because the auto delete function on
8 your Signal account was active before you received
9 the cease and desist letter, there would be a number
10 of communications from you and to you on Signal that
11 are no longer available; isn't that right?

12 A That would be correct, yes, sir.

13 Q Can you -- would these include
14 communications with your brother Joshua?

15 A Yeah.

16 Q And Richard?

17 A Yeah.

18 Q How about Stephanie?

19 A No. I don't think I've ever sent anything
20 to Stephanie on Signal.

21 Q Would these communications with Joshua and
22 Richard that are no longer available because of the
23 auto delete function, were they relating to this
24 case?

25 A No. Not as far as -- as far as the case,

1 A Correct.

2 Q Did you communicate over Signal with your
3 brother this year regarding his communication with
4 the Pipe Hitter Foundation?

5 A I don't think so. Not written anyway. I
6 might have called him on Signal because you can call
7 as well. I might have called him on Signal but I
8 don't think I wrote anything about that.

9 Q So when you place a call over Signal how is
10 that stored?

11 A I don't know if it is. Just like a regular
12 phone, I think. I don't know if it is stored or not.
13 It's just a call.

14 Q Is there any record of the calls having
15 been made?

16 A The dates show up when you like -- I'm not
17 an expert on Signal but when you go back into the app
18 and open it up, you can see like the date that you
19 called like you would with a regular phone.

20 Q The same way on your outgoing calls on an
21 iPhone?

22 A Yes.

23 Q Your recent calls, incoming and outgoing?

24 A I believe so.

25 Q But does Signal capture the content of the

1 A Well, gmail is an email, Signal is like a
2 text, so typically it's just easier to send a text
3 than to send an email.

4 Q So with Mr. Elliker's cease and desist
5 letter, the protective order was attached, was it
6 not? You will see it as an attachment to Exhibit 2.

7 A Yes, sir.

8 MR. POWELL: Let's mark this number 3,
9 please.

10 (Mast Deposition Exhibit No. 3 was marked
11 for identification and attached to the
12 transcript.)

13 BY MR. POWELL:

14 Q Mr. Mast, the court reporter has just
15 handed you a copy of Exhibit 3 for your deposition.
16 I will just identify it for the record. It's a copy
17 of the protective order that Judge Moon entered in
18 this case on September the 13th of last year.

19 Did you see that when you received Mr.
20 Elliker's letter?

21 A I did.

22 Q Did you read it?

23 A I did.

24 Q Did you understand it?

25 A I believe so. Yes, sir.

1 Q Did you understand that the purpose of
2 Judge Moon's protective order was to protect the
3 identity of John Doe, Jane Doe and Baby Doe?

4 A Yes, sir.

5 Q Had you ever seen the protective order
6 before you received it from Mr. Elliker?

7 A I believe I may have stumbled across it
8 when I was looking through documents regarding the
9 case online, yes.

10 Q Do you recall how it came into your
11 possession?

12 A Yeah. I went to Google and I was trying to
13 find information regarding the case and I eventually
14 found CourtListener which is -- I'm not exactly sure
15 how that exists or what it's relation is to the
16 actual case files but I found a lot of the
17 information on there.

18 Q Including the protective order?

19 A I think so.

20 Q Why would you go to Google or CourtListener
21 to learn about what had been filed in the case rather
22 than going to your brother Joshua?

23 A Well, I was looking for the actual
24 hard-copies to try to be -- basically to try to see
25 the actual evidence myself.

1 fact -- I knew they did the CBS interviews and I knew
2 there was -- like the judge had asked them not to
3 talk to the media anymore but I didn't know there was
4 a motion to hold them in contempt of court or
5 whatever that proper term is.

6 Q So your testimony is that your brother
7 Joshua and his wife Stephanie having been asked by us
8 to be held in contempt by the court, they didn't
9 share that with you, is that your testimony?

10 A If they shared it with me, I definitely
11 don't remember hearing that but I don't believe they
12 did.

13 Q I think we've established this, Mr. Mast,
14 but let's go back to it.

15 Did I understand you to say earlier that
16 you became aware at some point in early 2023 that
17 your brother Joshua was in touch with an outfit
18 called the Pipe Hitter Foundation?

19 A Yes, sir.

20 Q How did you learn of this?

21 A Let's see. I received a call from Dena
22 Cruden, I think is how you say her last name,
23 C-r-u-d-a-n (sic), and she informed me she talked to
24 my brother Joshua and it went on from there.

25 Q Am I understanding you to say that you were

1 unaware of your brother Joshua's contacts with the
2 Pipe Hitter Foundation until you received a call from
3 Dena Cruden?

4 A No, sir. To clarify, my brother Joshua had
5 -- I think he had called me and said that I might get
6 a call from someone named Dena Cruden and that was
7 about it.

8 Q Do you recall how far in advance of your
9 contact from Dena Cruden that you learned this from
10 your brother?

11 A A day maybe.

12 Q That close?

13 A Yes, sir.

14 Q And tell me about the conversation with
15 Joshua about his expectation that Dena Cruden was
16 going to contact you.

17 A This was a while ago. I think I was
18 actually fishing when I got the call. As far as the
19 details go, I think he called and basically said that
20 he had -- I don't remember what term he used but like
21 had made contact or had been contacted by Pipe Hitter
22 Foundation, told me that they help vets and first
23 responders raise funds for legal defenses but that he
24 couldn't work with them and that he had given them my
25 number to see if I wanted to.

1 MR. HARDING: Objection. Calls --

2 MR. POWELL: Let me finish my question,
3 please.

4 BY MR. POWELL:

5 Q Didn't he tell you that we had moved for
6 contempt because of Joshua and Stephanie's interview
7 on CBS?

8 A Absolutely not.

9 Q He said nothing to you about the contempt
10 motion that we filed in January, is that your
11 testimony?

12 A Yes, sir.

13 Q Did Joshua say anything to you about a gag
14 order that he thought he might be subject to? Again,
15 this is before you had any contact with the Pipe
16 Hitter Foundation.

17 A And state the question again.

18 Q When you spoke to Joshua before you spoke
19 to Dena Cruden or had contact with Dena Cruden, did
20 Joshua say that he thought he was subject to a gag
21 order?

22 A To be more specific, he didn't mention on
23 the call about -- well, he had mentioned at some
24 point that there was a gag order in effect and so
25 that he wasn't -- I didn't know the specifics of what

1 that meant but he had mentioned at some point before,
2 I'm not sure if it was that call or prior to that,
3 but there was a gag order in effect for at least one
4 of the court cases.

5 Q Are those the words he used, gag order?

6 A We have used that and protective order
7 interchangeably, yeah.

8 Q So when is the first time you heard
9 Jonathan (sic) -- I'm sorry -- Joshua talk about a
10 protective order?

11 A I don't know.

12 Q Was it before or after this call you had
13 from him that he was going to hear from the Pipe
14 Hitter Foundation?

15 A The first time that I heard about it was it
16 before that call? Probably before, yeah.

17 Q That there was a protective order in place,
18 you heard that from Joshua before he asked you to
19 speak to the Pipe Hitter Foundation?

20 MR. HARDING: I'm going to object to the
21 framing of the question. He didn't state that he was
22 told to talk to Pipe Hitter. He stated that he would
23 receive a call from the Pipe Hitter Foundation.

24 BY MR. POWELL:

25 Q When Joshua advised you that you were going

1 to be contacted by the Pipe Hitter Foundation, you
2 could have declined, right?

3 A Sure.

4 Q Why did you not?

5 A Didn't want to.

6 Q Why? I know that you didn't want to
7 because you did have contact with them, but why did
8 you not decline Joshua's request?

9 MR. HARDING: Objection to Joshua having
10 made a request for him to speak. The testimony was
11 that he was notified that he may receive a call from
12 the Pipe Hitter Foundation.

13 MR. POWELL: That's a fair objection.

14 BY MR. POWELL:

15 Q Joshua said you were going to be contacted
16 by someone from the Pipe Hitter Foundation, right?

17 A Yes, sir.

18 Q And did he identify Dena Cruden by name?

19 A By first name, I think.

20 Q And then very soon after that conversation
21 with Joshua you received a text message from Dena
22 Cruden, right?

23 A It was either text or a call.

24 Q Asking for your cooperation, right?

25 A No, not asking for my cooperation. I think

1 she asked if I would be willing to share some of the
2 story.

3 Q And what did you say?

4 A I said I would be willing to.

5 MR. POWELL: Let's mark this next, please.

6 (Mast Deposition Exhibit No. 5 was marked
7 for identification and attached to the
8 transcript.)

9 BY MR. POWELL:

10 Q Mr. Mast, you've been handed Exhibit 5
11 which I will identify as being a May 9, 2023 email
12 from Dena Cruden at Pipe Hitter Foundation to you.
13 The header is "Pipe Hitter Foundation: Fundraising
14 Campaign Implementation." Do you see that?

15 A Yes, sir.

16 Q Do you recall receiving this from
17 Ms. Cruden on or about that day, May the 9th?

18 A I do.

19 Q And attached to her email is the Pipe
20 Hitter Foundation grant agreement, correct?

21 A Uh-huh.

22 Q And if you look to the last page of the
23 grant agreement, which is the third page of the
24 exhibit, that's your signature, right?

25 A It is.

1 Q And you signed this contract on May the
2 10th of 2023?

3 A Yes, sir.

4 Q By this point in time did you understand
5 that Ms. Cruden, as represented on the email, was the
6 executive director of the Pipe Hitter Foundation?

7 A I couldn't tell you her direct title but
8 yes.

9 Q And you see there that's the way she
10 identified herself in the email, right?

11 A Yes, sir.

12 Q You don't have any reason to disagree with
13 that?

14 A No, I do not.

15 Q By then you had already been in
16 intermittent contact with her since her first contact
17 with you, right?

18 A Yes, sir, intermittently.

19 Q Before you signed this grant agreement, did
20 you send it to Joshua?

21 A I don't think so.

22 Q Were you aware of whether the Pipe Hitter
23 Foundation had shared it with Joshua before you were
24 asked to sign it?

25 A No, I don't believe so.

1 A Yes, I understand that.

2 Q It identifies the grantees as Joshua Mast
3 and his family, right?

4 A Sure.

5 Q And you signed on their behalf, correct?

6 MR. FRANCISCO: Objection. Calls for legal
7 conclusion.

8 MR. YERUSHALMI: David Yerushalmi. I join
9 the objection.

10 MR. HARDING: I'm joining that as well.

11 MR. POWELL: For the benefit of the record,
12 counsel in the room and online, I like
13 Mr. Francisco's proposal that you need not adopt an
14 objection posed by either the witness's lawyer or any
15 of the other Defendants' lawyers. I think we can --
16 the record can reflect that I have heard the
17 objection and I will deem it as having been raised by
18 all of you, not just whoever speaks. Fair enough,
19 everybody? Any objection to that?

20 MR. HARDING: No.

21 MR. YERUSHALMI: None from David
22 Yerushalmi.

23 MR. HOERNLEIN: No objection.

24 BY MR. POWELL:

25 Q So the purpose of this grant agreement, as

1 you understood it, Mr. Mast, was to enable the Pipe
2 Hitter Foundation to provide financial assistance to
3 your brother Joshua, right?

4 A That's accurate.

5 Q And you signed on his behalf in order to
6 facilitate that arrangement, right?

7 A Well, if I can change my wording or to
8 clarify the question before I say yes or no, I didn't
9 look at it as signing on his behalf. I was going to
10 partner with Pipe Hitter Foundation to raise funds
11 and then distribute that to my brother, so signing
12 this on his behalf, that's what I mean by that.

13 Q Sure. Because the money wasn't going to
14 come for your benefit, was it?

15 A No.

16 Q Or your family's benefit, right?

17 A Correct.

18 Q It was going to be for the benefit of the
19 people identified on the first page of this document
20 as the grantees, right?

21 MR. HARDING: I'm going to object. I think
22 the document speaks for itself. It says the grantees
23 are Mr. Mast and his family. My client is part of
24 his family.

25 BY MR. POWELL:

1 Q Who did you -- look at the first and second
2 line of this contract, please, Mr. Mast.

3 A Sure.

4 Q The first sentence says, "The Pipe Hitter
5 Foundation is implementing a fundraising campaign in
6 support of Joshua Mast and his family, paren,
7 grantees, close paren, under the PHF's hardship and
8 legal defense grant program, paren/close paren." Do
9 you see that?

10 A Yes, sir.

11 Q Did you expect that any money raised
12 pursuant to this agreement would go to anybody other
13 than Joshua Mast and his immediate family?

14 A To be accurate, all the money came to me
15 and then they entrusted me to distribute that.

16 Q Understood. Did you understand that this
17 agreement allowed you to distribute the funds to
18 anybody other than Joshua Mast and his immediate
19 family?

20 A Did I understand that this agreement
21 allowed me to distribute the funds to anyone other
22 than Joshua Mast and his family. That is my
23 understanding.

24 Q And of the funds that came to you did you
25 distribute all of them to Joshua?

1 A I did.

2 Q Did you keep any of them?

3 A Well, no essentially. I forwarded my
4 brother once during a particular month that he was
5 having a hard time keeping up with something and I
6 loaned him a thousand and then reimbursed myself a
7 thousand from Pipe Hitter after that.

8 Q To be clear, you didn't send any of the
9 Pipe Hitter Foundation's money to anybody other than
10 Joshua and his immediate family, right?

11 A That is accurate.

12 Q And you understood that was the purpose
13 when you signed this document -- this contract on May
14 the 10th, correct?

15 A Yes, sir.

16 Q And you were acting as Joshua's and his
17 family's representative when you signed this
18 document, right?

19 MR. FRANCISCO: Objection. Calls for a
20 legal conclusion.

21 MR. YERUSHALMI: Objection.

22 BY MR. POWELL:

23 Q Go ahead. You can answer.

24 A By representative I don't mean like legal
25 representative or that he had authorized me to or had

1 argumentative. Go ahead.

2 THE WITNESS: Well, I will finish what I
3 was saying. I just want him to know what I believe
4 is the truth and that's exactly what I just said.

5 I signed this document for myself and they
6 were entrusting me with the funds to distribute to my
7 brother for help regarding legal fees, immediate
8 needs and stuff like that.

9 BY MR. POWELL:

10 Q You were expecting to be the intermediary
11 then between the Pipe Hitter Foundation and Joshua
12 Mast and his family for the money, correct?

13 A For distributing the funds, correct.

14 Q And in effect, you were acting as an agent
15 for the purpose of transmitting the money that you
16 got from the Pipe Hitter Foundation to the grantees,
17 right?

18 MR. HARDING: Objection. Calls for a legal
19 conclusion.

20 MR. YERUSHALMI: Object.

21 MR. POWELL: Let's take a break.

22 THE VIDEOGRAPHER: We are now off the
23 record. The time is 10:39 a.m.

24 (Recess, 10:39 a.m. - 10:54 a.m.)

25 THE VIDEOGRAPHER: We are now on the

1 today please send 5K via ACH to Jonathan Mast." Do
2 you see that?

3 A Yes, sir.

4 Q Did you receive \$5,000 from the Pipe Hitter
5 Foundation on or after May the 19th?

6 A After, yes, sir.

7 Q Do you recall when the money came in?

8 A I think it was about five or six days.

9 Q So May the 19th was a Friday. Would it
10 have been some time in the following week?

11 A Yes, sir, I think that's right. There was
12 a small delay where I had to follow up and they said
13 that there was some kind of error on their end but I
14 think that's about right.

15 Q And do you identify that account
16 information on Exhibit 6 to be for your personal bank
17 account?

18 A I believe it is. I don't have the numbers
19 memorized but I believe it is.

20 Q I looked up the routing number. It is for
21 the First National Bank in Altavista. Is that where
22 you bank?

23 A That's me.

24 Q Is that account in your name only?

25 A Me and my wife.

1 Q And you understood that the money was
2 coming to you and to your First National Bank account
3 from the Pipe Hitter Foundation in furtherance of the
4 grant agreement that you had signed on May the 10th,
5 right?

6 A Yes, sir.

7 Q And what did you do with the \$5,000?

8 A I forwarded it to my brother.

9 Q How did you do that?

10 A Check.

11 Q Same day? Soon after you got the money?

12 A Soon after.

13 Q You send all \$5,000 to your brother?

14 A No. I -- this is the instance where I had
15 reimbursed myself a thousand because I had loaned him
16 a thousand.

17 Q You had advanced him a thousand so then you
18 kept a thousand of the five?

19 A Uh-huh.

20 Q And sent the four to him?

21 A Correct.

22 Q Has the Pipe Hitter Foundation sent more
23 money to you since this initial installment of
24 \$5,000?

25 A No, sir.

1 A Yes, sir, I think that's right.

2 Q And am I understanding you to say that she
3 said they were going to put a pause on it and not
4 send the money to you?

5 A Yes, sir.

6 Q Do you know whether the Pipe Hitter
7 Foundation is continuing to try to raise money for
8 your brother and his immediate family one way or the
9 other, do you know?

10 A I don't know for sure but to my
11 understanding every indication was that they were not
12 for now.

13 Q Let's go back, Mr. Mast, to your first --
14 what I think is your first communication with Dena
15 Cruden.

16 MR. POWELL: Let's mark this as Exhibit 7.
17 (Mast Deposition Exhibit No. 7 was marked
18 for identification and attached to the
19 transcript.)

20 BY MR. POWELL:

21 Q So, Mr. Mast, you've been handed Exhibit 7
22 which is a two-page text string starting on April the
23 10th. I think they are all on April the 10th. Do
24 you have that in front of you?

25 A I do.

1 Q And it starts off -- this is a text from
2 Dena Cruden to you and she says, "Good morning
3 Jonathan. My name is Dena Cruden and I am the
4 executive director for the Pipe Hitter Foundation."
5 Do you see that?

6 A Yes, sir.

7 Q And then she continues and says, "May I
8 call you today at 10 p.m. Pacific Standard Time as we
9 have been speaking with your brother Joshua. Thank
10 you, Dena." Do you see that?

11 A Yes, sir.

12 Q Would this be your first contact with
13 anybody from the Pipe Hitter Foundation, to the best
14 of your recollection?

15 A That's got to be right. Yeah, I think so.

16 Q So this would have come not long after your
17 brother Joshua had advised you that you were going to
18 be receiving a contact from the Pipe Hitter
19 Foundation, right?

20 A Yeah, he informed me of that, yeah.

21 Q So when she says that she had been speaking
22 with your brother Joshua, did you learn from her when
23 that conversation began between Joshua and the Pipe
24 Hitter Foundation?

25 A No, I did not ask.

1 Foundation payroll?

2 A I didn't know but I kind of presumed that.
3 I didn't know if they were a partner or -- all I knew
4 is the terminology that we used is our media partner.

5 Q And that's what you heard from Dena Cruden?

6 A Uh-huh.

7 MR. POWELL: Let's mark this 8.

8 (Mast Deposition Exhibit No. 8 was marked
9 for identification and attached to the
10 transcript.)

11 BY MR. POWELL:

12 Q Mr. Mast, you've been handed Deposition
13 Exhibit 8. You've seen this photo album before,
14 haven't you?

15 A Many times, yes, sir.

16 Q And this is a photo album available through
17 Google, correct?

18 A Yes, sir.

19 Q And there near the top of the first page,
20 this is one of those instances we talked about at the
21 top of the deposition, you see the name [REDACTED]
22 [REDACTED] right?

23 A Yes, sir.

24 Q And that's the Americanized name that your
25 brother Joshua and Stephanie use for Baby Doe, right?

1 A Correct.

2 Q When did you first have access to this
3 Google photo album?

4 A The email I'm sure would tell me. I think
5 it was either 2020 or 2021.

6 Q Do you know who set it up?

7 A No. Probably one of my -- probably one of
8 my brothers or my sisters-in-law.

9 Q Do you know when it was first set up?

10 A No.

11 Q Do you recall when you first had access to
12 it?

13 A As soon as it was sent to me in 2020 or
14 2021.

15 Q Do you know for what purpose it was
16 established?

17 A To share photos with my brother's family,
18 particularly Joshua and Steph's family, with the rest
19 of us.

20 Q Have you ever added photos to it?

21 A No.

22 Q Do you have that ability?

23 A I've never tried.

24 Q Have you ever downloaded photos from the
25 Google photo album?

1 A Yeah.

2 Q For what purpose?

3 A To have photos of my family on like
4 devices.

5 Q Have you downloaded photos from the Google
6 photo album and shared them with someone other than
7 your family and friends?

8 A Yeah. I sent some photos from this to Pipe
9 Hitter Foundation.

10 Q Anybody else? And when I say anybody else,
11 I mean other than your immediate family and friends.
12 You have said the Pipe Hitter Foundation is someone
13 outside of that group to whom you have forwarded
14 photos, right?

15 A If memory serves correctly, I think I
16 sent -- I can't remember if it was me who forwarded
17 these to Pipe Hitter and then they sent them on to
18 OANN or if I sent them directly to OANN but they had
19 some photos as well.

20 Q So by OANN you mean the One America News
21 Network where you gave an interview in June, right?

22 A Yes, sir.

23 Q So you were aware that One America News had
24 photos from the Google photo app before your
25 interview took place?

1 any reason to disagree with that?

2 A What is it?

3 Q Well, if you look at the first page of
4 Exhibit 8 right under the name [REDACTED] will see a
5 bunch of small --

6 A Oh. It's the people who have access to the
7 album.

8 Q That's what I'm asking you.

9 A Sure. I don't have any reason to disagree
10 with that.

11 Q Okay. So the list of names and email
12 addresses on Exhibit 9, from your understanding, is
13 those people who are identified on the photo album
14 itself?

15 A I never checked it, but sure.

16 Q So I don't want to spend too much time on
17 this but let's just run down the list. I assume you
18 obviously know the third name on the list is
19 Stephanie Mast, your sister-in-law?

20 A Uh-huh.

21 Q Then Joshua Mast, your brother. Who is
22 Fran Mast?

23 A My great aunt.

24 Q Do you know who Jennifer Brothers is?

25 A Who?

1 Q Jennifer Brothers at the top.

2 A I do not.

3 Q How about Ashley Delgado?

4 A No.

5 Q Down below Fran Mast is Flavio and
6 Jacqueline Porta. Do you know who they are?

7 A I don't.

8 Q Who is Bridget Mast?

9 A I think that is my cousin.

10 Q Next is Lauren Mast Hershey. Is that
11 another cousin?

12 A Yes. Aunt.

13 Q Below her name is Anna White. Who is she?

14 A No idea.

15 Q How about Dillon Throckmorton?

16 A Also no idea.

17 Q How about Cindy Beyer?

18 A Huh-uh.

19 Q Next is Emily Holmes.

20 A No.

21 Q Next is Eric Macrush. Do you know who he
22 is?

23 A I don't.

24 Q How about Liliana Balcazar?

25 A I don't.

1 Q How about Georgia Pine K9?

2 A I don't know who that is. Kacy Labuda is
3 my cousin.

4 Q Beneath Kacy Labuda is an email address.
5 Do you recognize that email address?

6 A Huh-uh.

7 Q That would be a no? Sorry.

8 A No, sir. Sorry.

9 Q That was one of the instructions I didn't
10 give you is uh-huh and huh-uh don't do very well on
11 the record.

12 A Sorry.

13 Q It's fine. You've been doing great. So
14 the next one is an email address bentaplace. Do you
15 recognize that?

16 A Bentheplacedesign? No, sir.

17 Q Beneath that is battleshowers@gmail.com?

18 A Bertieshowers. That is my great aunt.

19 Q Great aunt. The next email is
20 firechuck@gmail. Do you recognize that?

21 A I do not.

22 Q The next is hannonwright@gmail. Do you
23 know who that is?

24 A I don't.

25 Q Do you not know that Mr. Wright represents

1 your brother and sister-in-law in the state court
2 case?

3 A Well, I don't recognize the email but that
4 name rings a bell.

5 Q But you know that Hannon Wright is one of
6 the lawyers representing Joshua and Stephanie?

7 A Well, I get the cases confused sometimes so
8 I thought it was John Moran.

9 Q Mr. Moran is with McGuire Woods. He
10 represents your brother and sister-in-law in the
11 federal case which is the case we're talking about
12 here. So beneath Mr. Wright's email do you recognize
13 the next email?

14 A No.

15 Q How about the next one?

16 A No.

17 Q I expect you to recognize the one below
18 that.

19 A That's mine.

20 Q That's your gmail address, correct?

21 A Yes, sir.

22 Q The one you identified at the top of the
23 deposition. Beneath your email who is that person,
24 if you know?

25 A I don't know that person or... My mom is

1 A That's correct.

2 Q And the two emails beneath your mother's
3 email, do you recognize those?

4 A I do not.

5 Q And so do you understand that the people
6 whose names are listed on Exhibit 9 have the same
7 access to the Google photo album that you enjoy?

8 A I do, yeah.

9 Q If you look back at the previous exhibit,
10 Exhibit 8, I'm asking you to confirm what I think is
11 obvious. These photos are meant to be in
12 chronological order; is that correct?

13 A I don't know. I think so, yeah.

14 Q And the first several pages of Baby Doe are
15 before she left Afghanistan, can you agree with that?

16 A I agree with that.

17 Q If you turn all the way to page nine, do
18 you have that?

19 A I do.

20 Q And in the third row you will see a
21 picture. That's your sister-in-law Stephanie with
22 Baby Doe, correct?

23 A That's correct.

24 Q And do you understand that to be a
25 photograph taken of the two of them in the Ramstein

1 Q May the 9th or May the 10th you learned
2 what the number was?

3 A Yes.

4 Q So turn to the second page please of
5 Exhibit 11. So right there is you're sending to Dena
6 some photos in chronological order of, as you say in
7 this email [REDACTED] when she first came into American
8 custody, right?

9 A Yes.

10 Q Why were you sending these to Dena? Did
11 she ask for them?

12 A This was in reference to our text
13 conversation earlier about photos that were
14 appropriate for the website and fundraising.

15 Q So this is just a continuation of that
16 conversation, you are now actually initiating on
17 sending photos to her?

18 A Uh-huh.

19 Q And these are photos that you selected?

20 A I think so, yeah.

21 Q From the Google photo album?

22 A Yes.

23 Q Did she give you any criteria for selecting
24 the photographs?

25 A She did not. Just I think that all we said

1 A Yep.

2 Q And so those were additional photos that
3 you selected from the Google photo album to send to
4 Dena?

5 A That's right.

6 Q For her consideration and use with the Pipe
7 Hitler Foundation website posting?

8 A Yes, sir.

9 Q So you understood that she was going to use
10 those in support of the fundraising campaign?

11 A Yes, sir.

12 MR. POWELL: 12, please.

13 (Mast Deposition Exhibit No. 12 was marked
14 for identification and attached to the
15 transcript.)

16 BY MR. POWELL:

17 Q Mr. Mast, you have been handed Deposition
18 Exhibit 12 which is a series of emails between you
19 and Dena starting on the morning of Wednesday, May
20 the 10th and running to Thursday, May the 11th. Do
21 you see that?

22 A Yes, sir.

23 Q And there in the middle of the first page,
24 there's an email, I don't see your name on it but
25 it's to Dena from someone named Benjamin Nichols and

1 A Are these additional or just -- I think
2 they are, yes.

3 Q So you say in your email at 11:51 a.m. on
4 the morning of May 11, you said to Dena, "Here are
5 the photos that I was able to locate that were used
6 in the CBS news story." Do you see that?

7 A Yes.

8 Q And so did you pull those photos off of the
9 Google photo album?

10 A I think I did. Yes, I think I did.

11 Q But you knew because you had seen the CBS
12 Morning News story that those photos had been used by
13 CBS?

14 A Correct.

15 Q And so in your text to Dena you say that
16 they, quote, "They are, quote, fine to share since
17 they are already public," close quote. Do you see
18 that?

19 A I do.

20 Q What was your basis for saying that in your
21 email to Dena?

22 A I started thinking about it after I had
23 sent all those photos over to her and they have a lot
24 of -- my first instinct was just like these would be
25 good for fundraising because it shows his family and

1 all that stuff, but I started thinking about it more
2 and I was like, well, it's already got -- basically I
3 had a second thought where I had seen a lot of photos
4 of my family get shown in news articles that were,
5 shall we say, not friendly towards the story of --
6 and my brother, and I was like, well, some of those
7 are already circulating anyway, why don't I not share
8 anything that has my other nephews, as little as my
9 family as possible except for Joshua and Steph and I
10 will try to stick with ones that are already in what
11 I consider to be public domain because presumably
12 hundreds of thousands of people had already seen
13 these CBS interviews, I don't know what the extent
14 is, so I was like, well, they should be fine because
15 these are already public.

16 Q Did you get any advice from anyone on your
17 opinion that because they had already been aired on
18 CBS they were fine to share?

19 A My wife.

20 Q Did you confer with any lawyer on that
21 question?

22 A No.

23 Q You didn't confer with Joshua about it?

24 A No.

25 Q Or Richard?

1 A Huh-uh.

2 Q Or any of Joshua's lawyers?

3 A No.

4 Q Or Richard's lawyer?

5 A No. Again, never spoken to Richard or
6 Josh's lawyers.

7 Q The next sentence you say -- and this is in
8 your email to Dena on May 11, same exhibit we have
9 been looking at, you say, quote, "Anything else, just
10 please blur out for now as discussed," close quote.
11 Do you see that?

12 A I remember saying that. Yeah, I see it.

13 Q What did you mean by that?

14 A Just like if she was older, like anything
15 that wasn't on the CBS interview, maybe blur out her
16 face just so it would be -- so that photos that
17 weren't already in public domain wouldn't be
18 broadcasted.

19 Q And the last clause of that sentence says
20 "as discussed." So had you had a conversation with
21 Dena about how to handle these photos?

22 A Yeah. I remember wrestling with the
23 concept of it and like whether I should basically
24 change my mind after I had already sent her all the
25 photos and I decided I did. I asked her if I could

1 call." The "we" you're referring to is you and Dena?

2 A Dena.

3 Q We talked a little bit earlier, Mr. Mast,
4 about the One America News interview.

5 A Yes, sir.

6 Q It's correct that you gave an interview to
7 One America News on June 11th?

8 A Yes, I think that was the date.

9 Q Who arranged that? Sorry. Did counsel on
10 the phone -- I don't want to interrupt an objection.

11 Who arranged the interview with One America
12 News?

13 A That would be what I refer to as the media
14 team for Pipe Hitter Foundation but it would be Mary
15 Vought.

16 Q Vought, V-o-u-g-h-t.

17 A So Mary and she has a couple of other team
18 members that I am in communication with and I don't
19 know which one specifically had reached out to OANN
20 but it was them.

21 Q And it's true, isn't it, that several
22 images of Baby Doe are displayed during your
23 interview, correct?

24 A That is correct.

25 Q How did the One America News outfit get

1 those photos?

2 A I think that I sent them to the fellow who
3 did the interview on One America News Network.

4 Q When you did that did you provide to One
5 America News a copy of the protective order or were
6 you then still not aware of the protective order?

7 A I did not provide one and I was not aware
8 yet.

9 Q So just to be clear, I think I have this in
10 the chronology of your testimony. You said that you
11 didn't become aware of the protective order until you
12 got it from Mr. Elliker and the cease and desist
13 letter?

14 A No. I knew that one existed but I didn't
15 have a physical copy of one until then. I don't
16 think I read the actual protective order.

17 Q Until you received it from Mr. Elliker in
18 the cease and desist letter?

19 A Correct.

20 Q So the photos that showed up in the
21 interview that you gave, they originate in the Google
22 photo album, correct?

23 A That's right.

24 Q Whether they came from you or from Mary
25 Vought, that's where they started and someone

1 A Yes. Most of the information came from him
2 at the time that it occurred, correct.

3 Q So during this time frame, April and May of
4 2023, Joshua knew you were in touch with the Pipe
5 Hitter Foundation, correct?

6 A Yeah, I had told him that I had decided to
7 touch base with them and partner with them.

8 Q Did he know in advance that you were going
9 to be interviewed by One America News?

10 A No, he did not.

11 Q Why didn't you tell him?

12 A I purposely didn't tell anyone in my family
13 because there has been a lot of, oh, politely put,
14 negative media coverage of my family and I didn't
15 want any repercussions to go to anybody else but me.

16 Q Were you aware on June 28th Joshua and
17 Stephanie's lawyers filed in the federal court case
18 something called a memorandum in opposition to
19 Plaintiffs' motion to show cause?

20 A Yes, I think so. Is that where the cease
21 and desist letter gets filed with the complaint, my
22 brother's attorney filed their response to that?

23 Q Let's back up a little bit. This is not a
24 memory quiz for you and I'm not asking you to
25 recreate what's in the court file.

1 is document number 239. It's the memorandum in
2 opposition that McGuire Woods filed on behalf of
3 Joshua and Stephanie on June the 28th.

4 So turn to the third page, please, Mr.
5 Mast. Looking down to the last sentence of the long
6 paragraph that begins above the middle of the page.
7 Are you with me?

8 A I am.

9 Q The sentence reads, "Joshua and Stephanie
10 Mast had no knowledge that Jonathan Mast was speaking
11 with the Pipe Hitter Foundation." Do you see that?

12 A I do.

13 Q That's not true, is it?

14 A I believe speaking is referencing the stuff
15 published on social media, the website, et cetera.
16 So they didn't know that, what I had said, et cetera,
17 et cetera. They knew that I made contact with Pipe
18 Hitter Foundation -- at least I think they did.

19 Q Well, you testified just a few minutes ago
20 that you were -- that Joshua was aware in April and
21 May that you were in contact with the Pipe Hitter
22 Foundation, right?

23 A I did say that, yes.

24 Q So this language from this memorandum in
25 support that I just read to you is not true, is it?

1 A I would say it needs to be clarified.

2 Q Who is going to clarify it? This is
3 something filed with the court.

4 A That's not for me to know. Well, it also
5 goes on to say "until he had already done so," and
6 that is correct.

7 Q Well, that's with reference to the One
8 America News interview which you just said he didn't
9 know about that until after the fact.

10 MR. FRANCISCO: Objection. Argumentative.

11 THE WITNESS: Well, to clarify, just to be
12 as clear as I can, the sentence itself, if you take
13 the whole thing in context, Joshua and Stephanie Mast
14 had no knowledge that Jonathan Mast was speaking with
15 the Pipe Hitter Foundation or that he would speak
16 with One America News Network until after Jonathan
17 had already done so, and that is correct.

18 MR. HARDING: He testified to that.

19 THE WITNESS: I talked with them first and
20 then informed Joshua of that.

21 BY MR. POWELL:

22 Q So let's parse that sentence which is what
23 I think you've just undertaken to do. Do you
24 interpret the phrase at the end "until after Jonathan
25 had already done so" to refer to the whole sentence?

1 MR. FRANCISCO: Objection. This document
2 speaks for itself. It's a legal pleading not by
3 Jonathan.

4 BY MR. POWELL:

5 Q Let me ask it another way. You testified
6 just a few minutes ago that Joshua knew you were in
7 touch with the Pipe Hitter Foundation in April and
8 May of this year, correct?

9 A Well, yeah, because he had to know how I
10 was sending him \$5,000 or \$4,000.

11 Q And you knew that he was in touch with the
12 Pipe Hitter Foundation because he told you that
13 someone from the Pipe Hitter Foundation was going to
14 reach out to you. That's the text message that you
15 had the initial contact with Dena on April the 9th.

16 A Sure. And I believe somewhere in this
17 document says he had been put in touch with the Pipe
18 Hitter and told them he couldn't work with them and
19 that's why he directed them to another member of the
20 family.

21 Q Right. So you were then in contact
22 intermittently in April and May with the Pipe Hitter
23 Foundation and Jonathan (sic) knew about that, didn't
24 he?

25 A Joshua. Yes.

1 words, "Hi Dena, got a rather sensitive issue to
2 discuss as soon as you get a brief moment." Do you
3 remember that?

4 A Yes, I think so.

5 (Mast Deposition Exhibit No. 20 was marked
6 for identification and attached to the
7 transcript.)

8 BY MR. POWELL:

9 Q Mr. Mast, you've just been handed
10 Deposition Exhibit 20 by the court reporter. It's a
11 multi-page text exchange between you and Dena Cruden
12 starting on June the 14th and running until June the
13 15th. Do you have that in front of you?

14 A I do.

15 Q So there at the top, the first thing you
16 say is, "Hi, hi Dena, got a rather sensitive issue to
17 discuss as soon as you get a brief moment." And then
18 it refers something on Instagram that he says Eddie
19 may have shared. That would be Eddie Gallagher, you
20 believe?

21 A Yes, sir.

22 Q Without reference to the text message, do
23 you remember what it was that caused you to initiate
24 this text conversation with Dena on June the 14th?

25 A The initial cease and desist letter I

1 received.

2 Q The one from Mr. Elliker that we marked as
3 an exhibit early on in the deposition?

4 A That's correct.

5 Q And what was it about Mr. Elliker's letter
6 that made you want to reach out to Dena Cruden?

7 A As previously stated, I don't have a lot of
8 social media platforms and so when I received the
9 letter, it included a lot of exhibits which was --
10 Instagram was one of them, and so on the Instagram
11 handle, I read -- I think that's where I saw that it
12 was Eddie's Instagram handle and so that's where I
13 presume that was. Hence, the text came from that.

14 Q And you reference the cease and desist
15 letter there on the first page, right?

16 A Yeah.

17 Q And then skipping down in the text, you say
18 quote, "Seeing as how that photo came from me and
19 wasn't one of the ones that aired on CBS, thus
20 already in the public domain, I think it would
21 behoove us to take precaution to blur it out like the
22 one on the Pipe Hitter's Instagram account." Do you
23 see that?

24 A Yes.

25 Q So was it your intention in this text

1 message then to share your concern with Ms. Cruden
2 and to have her take steps to blur out what you had
3 seen on Mr. Gallagher's Instagram?

4 A Correct.

5 Q And that was one of the photos that you
6 provided?

7 A Yes.

8 Q Did she do what you asked her to do?

9 A I think she went a step beyond and just had
10 them remove the post altogether.

11 Q So if you turn to the next page of the
12 exhibit, you will see it looks like you and she spoke
13 that day, right?

14 A Yes.

15 Q And you've got embedded in the second page
16 of the exhibit, are those the photos that caused your
17 concern?

18 A No, not these ones. These were the ones
19 that were on CBS, to the best of my recollection. It
20 was one where she was standing on a box that is in a
21 different message maybe.

22 Q So it wasn't one of these three on the
23 second page, it was another one?

24 A Yeah. My thought process was any of the
25 ones where she was younger in Afghanistan and

1 whatnot, those were fine, and anything that aired on
2 CBS was fine, but the ones that I provided from my
3 family access album we should probably have blurred
4 out if we could do that.

5 Q And consistent with your testimony down at
6 the bottom of the second page of this exhibit, she
7 says, "FYI, we deleted it just to be safe," right?

8 A Right.

9 Q And you said "thank you."

10 A Uh-huh.

11 Q And then continuing on, continuing the text
12 conversation with Dena about checking every photo,
13 right?

14 A Yes.

15 Q And then down at the bottom of the third
16 page you say, "Dena, I have one more photo edit
17 request to make, I'm sorry." Do you see that?

18 A Yes.

19 Q And you go on to say, "I basically decided
20 that I probably shouldn't have used any recent photos
21 of Starfish for two reasons," right?

22 A Uh-huh.

23 Q And the first one you say is retaliation
24 and then the second one, which goes over onto the
25 next page is, "to not give the opposition a reason to

1 screech that I'm breaking the protective order." Do
2 you see that?

3 A Yes.

4 Q And you go on in that sentence to say,
5 "even though I don't believe I am because I don't
6 believe it applies to me." Do you see that?

7 A I do.

8 Q And so did she follow your request?

9 A To blur out the photos?

10 Q Yes.

11 A Again, she -- I think she did with
12 everything. At some point they removed the whole
13 page from their website, Instagram, et cetera, just
14 as a safety precaution.

15 Q Where you say on the fourth page of Exhibit
16 20, there in the middle of the page where you refer
17 to the protective order and you say, quote, "even
18 though I don't believe I am," and by that meant you
19 didn't believe you were subject to the protective
20 order?

21 A Correct.

22 Q What's the basis for you're having said
23 that to Dena?

24 A Well, I wasn't an expert on the protective
25 order, I just read it from when it was sent to me,